

GAHC010221332023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Rev.P./433/2023

SOFIYAL ALI
S/O LT. SAIBULLAH SHEIKH
VILL- NO. 1 BARUA PATHER
P.O. BARUA PATHER,
P.S. BOKO
DIST. KAMRUP, ASSAM

VERSUS

AKRAM HUSSAIN
S/O LT. KAIJUDDIN
VILL- NO. 1 BARUA PATHER
P.O. BARUA PATHER
P.S. BOKO
DIST. KAMRUP, ASSAM
PIN-781136

Advocate for the Petitioner : MS A HUSSAIN

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 16.10.2023

Heard Mr. J Ahmed, learned counsel for the applicant.

The present petition is filed assailing an order dated 31.08.2023
passed by the Executive Magistrate Kamrup, Amingaon in a

proceeding under section 145/146 Cr.P.C which was registered as Case No.172^m/2022.

The basic grievance of the petitioner is that the petitioner is still possessing the land and while filing the aforesaid case under section 145/146 Cr.P.C, the respondent has intentionally given the wrong name of the petitioner and of his father and without serving any notice to them, he obtained the order.

Mr. Ahmed further states that a fraud has been played upon the learned Executive Magistrate and accordingly the learned Executive Magistrate has directed order of attachment so far relating to the disputed land which is given in the Schedule A.

Mr. Ahmed further contends that they are in possession of the land and there is no apprehension of any breach and tranquility and if the ex parte attachment order is allowed, the petitioner shall suffer and he will be prejudiced.

Considering such submission, let a notice be issued to the respondent returnable by 6 (six) weeks.

Steps to be taken by way of Registered Post with A.D as well as through usual process within 7 (seven) days.

Considering the averments made in the petition as well as considering the arguments advanced by Mr. Ahmed, learned counsel, this court is of the view that till the returnable date, the status quo in respect of Schedule A land which is described in the impugned order dated 31.08.2023 be maintained and shall not be attached, if the same has not been attached in the meantime.

JUDGE

Comparing Assistant